Chapter 2

Youth Interactions with the Juvenile Justice System

In addition to an exploration of youth experiences in the context of cultural, social, and economic indicators, the Commission proceeded to examine primary and secondary data, engage in conversations with public officials, and conduct additional research and investigation of the intersections among the multiple agencies and actors involved in the "processing" of juveniles. The first task of the Commission entailed a mapping of the juvenile justice system and study of the trends and themes related to youth crime and violence in the District of Columbia. What the Commission learned about the initial interactions of youth with the "front door"- the Superior Court of the District of Columbia, Court Social Services, and the Metropolitan Police Departmentand the "back door" – the Youth Services Administration and a network of community-based programs and networks – is contained in this chapter.

Mapping Youth Crime and Violence

In the course of mapping of youth crime and violence, the Commission realized that poor data, information, and research inhibit a full portrait of young people's experiences. This is particularly true of any investigation of the historical context in which rates and offenses have fluctuated. Data and information may be collected in some agencies, but there is often no analysis on a regular and systematic basis. Commonly, requests for information- such as the Commission's request for what should be basic Metropolitan Police Department data related to youth arrests and diversion criteria- result

in back and forth communications that still do not produce meaningful results. Or, there are inconsistencies in coding.³ Although the Commission's inquiries found that many agencies do not share data and information easily because of territoriality and fear of accountability, the results of not having full and easy access to MPD data had strong implications for the level and quality of analysis of youth safety patterns that the Commission could conduct in a timely manner.

The Urban Institute has conducted several studies which supply the best available analysis of violence among youth in the District of Columbia. At the outset, it is important to note that youth in the capital city have experienced a marked decline in rates of crime and violence in recent years. As public health researchers, community activists, public officials, and others have worked together to trumpet a message of violence prevention, rates have fallen in a number of the city's neighborhoods. It is important to note, however, that declines- both nationally and locally- have not been without some degree of disparity in terms of the social groups and geographic areas that are often impacted by these trends. Between 1994 and 1999, juvenile arrests in Washington, D.C. declined from 4,433 to 2,918.⁴ The attached diagrams of juvenile bookings by Ward and Police District, as well as Commitments by Ward, illustrate this point in terms of the geographic concentration of arrest and commitment.

³ The use of different coding and classification systems for youth in terms of offense also has implications for programming. As discussed in the overview of programming best practices in Chapter III and in the proposal to amend confidentiality statutes in Chapter IV, agencies should be able to coordinate and share information to preserve an effective continuum while still preserving confidentiality. Commission researchers and Program Subcommittee members found that youth occasionally get lost because of the broad use and lack of reconciliation of youth social file numbers with MPD and YSA classification systems, for example.

According to the most recent data analysis from the Urban Institute's *Violence in the District* study of 1999 violent crime data in the District, children and youth under the age of 18 have some distinct victimization and perpetration patterns relative to other age groups (See Figures 9 and 10). Individuals under the age of 18 constitute just under 6% of total violent crime arrests in the District. The highest rate of arrest for violent crime is found among the 18-24 year old group, which has a rate of 42.94 per 1,000 residents compared with 17 per 1,000 for the age group 1 to 17 years of age. This finding indicates, first, that popular stereotypes of youth under 18 years of age as the prime generators of violent crime are false, and, second, that there are many reasons to continue an investment in age-appropriate violence prevention programs for younger teenagers. These initiatives will likely deter them from experiences of victimization and perpetration in later teen years.

Although the Urban Institute data represent one year and the Metropolitan Police Department (MPD) is very limited in its capacity for research, analysis, and report generation, the findings of the 1999 Urban Institute's analysis of MPD offense and arrest data help us to understand the complexity and disparate impact of youth crime and violence based on age, crime type, race/ethnicity, temporality, and geography. With respect to age and crime type, for example, they illustrate that in 1999 27% of all reported sexual assaults in the District occurred among 12-17 year olds. This latter finding from the Urban Institute is also consistent with what the Commission heard identified in focus groups as area in need of more structured and specialized programming for an increasing

⁴Metropolitan Police District data shared with the Blue Ribbon Commission.

Figure 9
Violent Crime Victims by Age Group, 2000

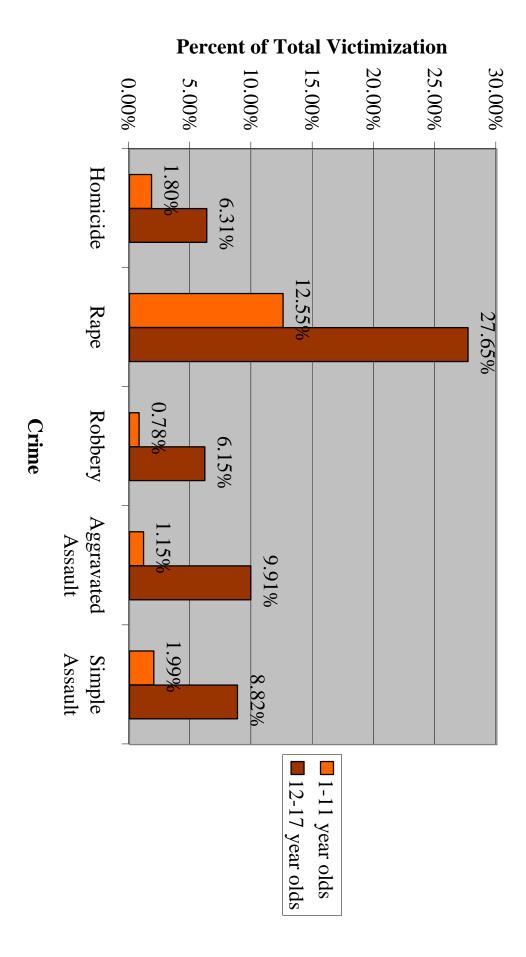
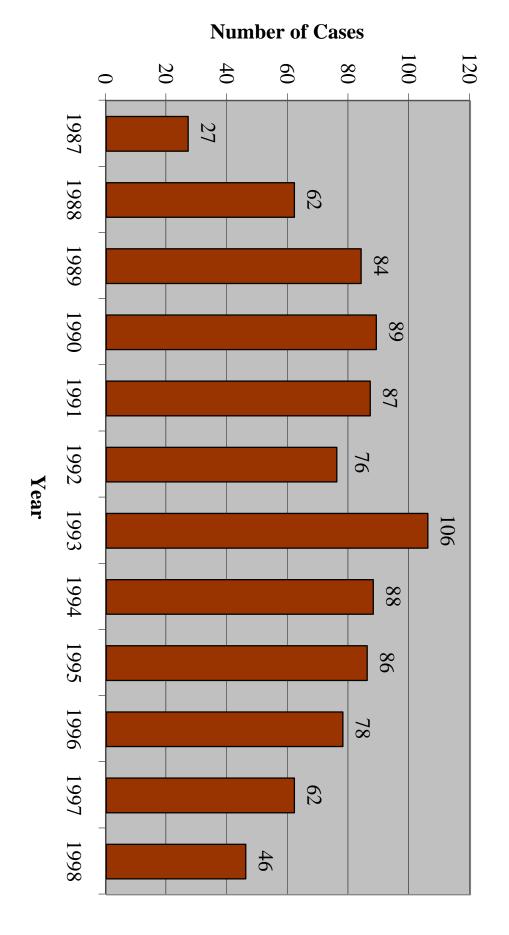


Figure 10
Violent Deaths of Teens Ages 15-19
District of Columbia, 1987-1998



number of youth- particularly young women- who are entering the juvenile justice system.

The Superior Court of the District of Columbia also provides some valuable insight into the types of crimes for which juveniles are being arrested, as well as the abuse and neglect referrals which provide a window onto broader trends that put children and youth at risk for violence and crime. According to the Court's 2000 *Annual Report*, there has been a 6% decline in the number of new referrals for "Acts against Persons" between 1999 and 2000. Between 1996 and 2000, there was a decline from 1,102 to 676. In terms of "Acts Against Property" over the same period, there was a decline from 1,343 to 766. With respect to Persons In Need of Supervision (PINS), there was a 31.4% decline between 1999 and 2000. Figure 11 also presents a breakdown of total number of Part I committing offenses among the youth in the custody of YSA during the period June 16, 2000-June 15, 2001.

MPD has also supplied the Blue Ribbon Commission with more recent 2001 juvenile bookings data to illustrate where crime and violence may be occurring in a contemporary context (See Figure 12). According to an analysis of MPD bookings data conducted by the Blue Ribbon Commission, there were a total of 1,362 bookings between January and June 2001. Approximately 84% (1144) occurred among males; 16% (217) among females. In terms of racial and ethnic breakdowns, 94% (1283) of those bookings involved "Black" juveniles, while approximately 5% are listed as "White." "Hispanics"

⁵Analysis completed by Blue Ribbon Commission, with assistance from Torrey Lee, Office of Deputy Mayor for Public Safety and Justice.

Figure 11

Part I Crime: Offenses for Committed Youth, June 16, 2000 to June 15, 2001

	<u>Subtotal</u>	<u>Total</u>
Total Homicide Murder 1 Murder 2 Manslaughter-Voluntary	9 5 1	15
Total Rape Rape Assault with Intent to Rape	4 1	5
Total Robbery Robbery Assault with Intent to Rob	22 5	27
Aggravated Assault Assault with a Deadly Weapon Assault with Intent to Rob	on 23 5	28
Burglary 1 Burglary 2	0 5	5
Larceny Theft 1 st Degree Theft 2 nd Degree	7 11	18
Auto Theft		51 ¹
Arson		0

Part I Crime Expressed as a % of Total Committed Population: 30.2%

SOURCE: Youth Services Administration

¹ YSA does not break out Unauthorized Use of a Vehicle (UUV) committed offenses according to UUV Passenger and UUV Driver, and given the assumption that UUV Driver captures carjacking (Part 1 Crime), we have extrapolated from 2000 data reported by Moses McAllister from Court Social Services that 67% of annual UUV offenses are Part 1 Crimes (or 135 out of 201 offenses). Thus, as reported by YSA, 67% of 76 UUV committing offenses, or 51 dispositions, are Part 1 Crimes.

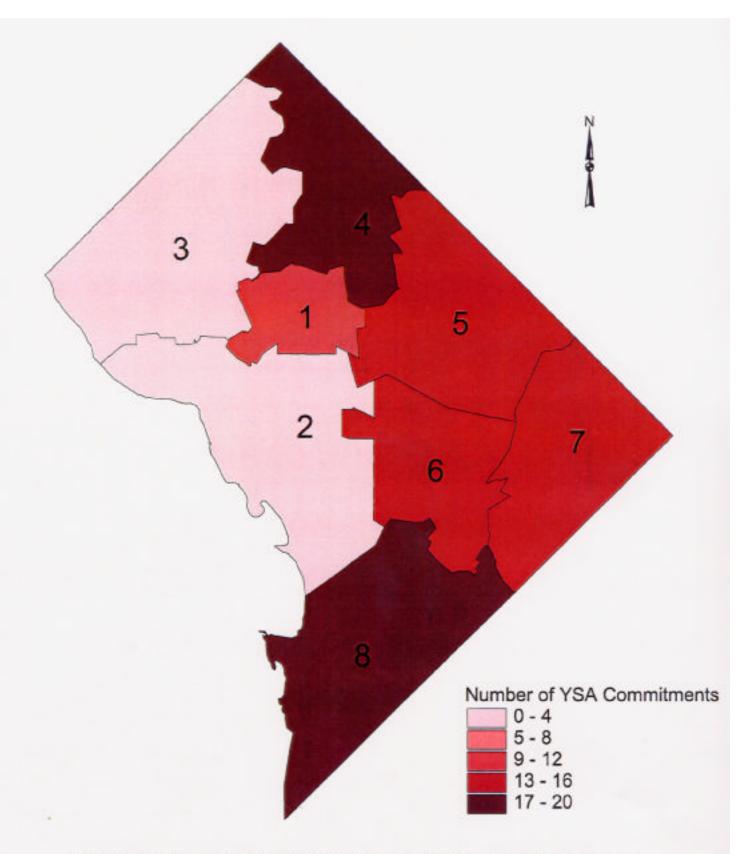


FIGURE 13 - Total Number of YSA Commitments, By Ward, January through June, 2001 Washington, DC

account for almost 2% of total bookings.⁶ In terms of age, approximately 6% of those booked were under the age of 13. Youth aged 15-17 years accounted for 77.5% of all bookings, while youth aged 13 and 14 years accounted for approximately 16.5% of total bookings.⁷

There are also differences based on arrest locations. In terms of arrest location, Wards 7 and 8, which have been the focus of extensive outreach efforts from the MPD Office of Youth Violence, account, respectively, for approximately 13.5% and 16.5% of total juvenile bookings. Ward 6 accounts for 16.4% of total bookings for January to June 2001, followed by Wards 1 (12.3%) and 2 (12.3%), respectively. 91 arrest locations are listed as "Unknown."

There are also other sources of data which the Commission reviewed to create a context for a discussion of youth development and programming initiatives. YSA, for example, has begun to conduct more systematic analysis of its data on its committed population. A review of the committed population from June 16, 2000 to June 15, 2001 (timeframe with the best available consistent high quality data) found several notable characteristics related to offense. Of the total number of committing offenses for this period:

⁶The quality of the data submitted to the Commission is extremely poor in terms of analysis and coding. With respect to demographics of offenders, for example, MPD lists 1,293 as Black, 68 as White, 1 as Unknown under "Race." Under "Ethnicity," 25 are listed as "Hispanic," while 1,337 are listed as "Unknown." Under "Offense," there is no way to sort out those youth who have had multiple charges assigned to them, the number of youth who are arrested for specific offenses based on age and residence, or the type of crime reported in each police district.

- 67.2% were for nonviolent crimes
- 32.8% were for violence-related crimes
- 33.0% were for drug-related crimes
- Unauthorized use of a vehicle (76), Possession of Cocaine with intent to deal (66), and simple assault (29) constituted the top three committing offenses

Finally, a note about the demographic characteristics of youth who were committed to the Department of Human Services and the Youth Services Administration over the period explored above:

- Age. The average age of YSA caseload of committed youth: 17.5 years
- Sex: Males constituted 89% of the population; Females, 11%
- Race: African American and Latino youth made up 100% of the committed population.
- Wards: Please see Figure 13 to capture the percentage of commitments from the various areas and Police Districts. There is a marked disparity in youth commitment based on ward, with Ward 3 reporting an average of 1.5 for the period and Ward 7 reporting a high of 91 during the same interval.

Data related to the committed and detained populations held at Oak Hill are quite limited in the scope of detail related to demographic characteristics of the population.

The average monthly securely confined population at Oak Hill declined from 222 in 1994 to 146 in 1995. Since 1999, when the average population was 124, an increase occurred in 2000 to 145 and, in 2001, to 156. Between 1999 and 2000, the average detained population at Oak Hill increased from 63.83 to 83.22 (Figures 14 and 15). During the same period, the average detained population in Shelter Homes increased from 59.29 to 72.63.

In terms of detention rates in the District of Columbia, Lisa Feldman, Michael Males, and Vincent Schiraldi recently completed an analysis demonstrating a stark decline in the District of Columbia over the 1990s. According to their study- "A Tale of Two Jurisdictions: Youth Crime and Detention Rates in Maryland and the District of Columbia"- the District of Columbia witnessed a 71% decline in juvenile detention between the period 1990-1992 and 1999. This was in comparison to a 3% increase over the same period in the state of Maryland. Their analysis also illumined a 55% decrease in the juvenile violent crime rate in the District of Columbia, in comparison to a 15% decline in the state of Maryland. Though the factors that contributed to the decline in the District of Columbia will remain a source of contention for researchers and community advocates, it is clear that violent offenses have witnessed a dramatic decline in the capital city. At bottom, these findings counters public images of youth delinquency in the capital city.

There are also data outlining the characteristics of the 178 children and youth in Residential Placement as of May 20, 2001. According to the analysis conducted by the

Commission, the Youth Services Administration, and the Office of the Deputy Mayor for Public Safety and Justice, youth are placed by court order in 40 facilities across 12 states and the District of Columbia. Males constituted 87.64% of placements, while females represented 12.36%. In terms of offense, Vehicle (20.22%), Assault (19.1%), Drug (19.1%), Weapon (6.18%), and Unknown (6.18%) represent the top five offenses for this population.

Racial and Ethnic Disparity in Detention and Commitment

Commission members expressed a strong desire to understand the marked racial and class disparities revealed in arrest and commitment data and suggested that further study is warranted under the *Juvenile Justice Prevention Act*'s disproportionate minority confinement provisions and other funding streams. In addition, rumor legitimated as social science in popular discourse and media obscures an analysis of these trends and also asserts that blacks, latinos, and other ethnic minorities are responsible for crime, as new data from the Georgetown Law Center and other work demonstrates. The objective should be to understand at which point and why such pronounced disparities are generated in the juvenile justice system. During their analysis of 2000 and 2001 Central Processing Unit data, Commission researchers found white children and youth who were arrested for a range of Part I and Part II offenses but who never showed up in

⁸Lisa Feldman, Michael Males, and Vincent Schiraldi, *Building Blocks for Youth: A Tale of Two Jurisdictions- Youth Crime and Detention Rates in Maryland and the District of Columbia*. (Washington, DC: Youth Law Center, October 2001), pp.6-7.

⁹Georgetown Youth Law Center, Building Blocks for Youth: Off Balance-Youth, Race, and Crime in the News (Washington, DC: Youth Law Center, 2001); Cole (1999); Fergerson (1997).

commitment data.¹⁰ The fact that the Superior Court does not report race and ethnicity as part of a regular analysis of disposition findings also inhibits an immediate analysis of aggregate race and ethnicity trends.

The Juvenile Justice "System": Multiple Contexts and Oversight¹¹

For most lay observers, the juvenile justice system represents a complex maze of relationships and agencies. Each of the following entities potentially plays a formal role in the juvenile justice system in the District of Columbia:

- Metropolitan Police Department: Arrests and "book" youth or refers them to diversion.
- Superior Court of the District of Columbia: Judges and Social Services Division. Juvenile cases are brought before the Court, where adjudication and disposition occurs. The Social Services Division provides initial intake of juveniles, including psychological assessments, drug screening, probation services, and oversight of recommendations to the Court.
- Office of the Corporation Counsel: Reviews the case and decides
 whether to establish a "no paper" (drops case) or bring charges.
 The Office of the Corporation Counsel may also make request to

¹⁰Racial and ethnic classification as well as pending dispositional status also obviously impact an analysis of these data.

¹¹ The steps outlined below were culled from descriptions in the Criminal Justice Coordinating Council materials, as well as outlines supplied by the Superior Court of the District of Columbia and the Office of the Deputy Mayor for Children, Youth, and Families.

transfer to U.S. Attorney for prosecution as adult if they meet one of three criteria: (1) youth is fifteen years of age or older and has been involved with a crime that would constitute a felony if they were an adult; (2) youth is sixteen years of age or older and already committed for delinquency; (3) or, the youth is eighteen years or older and is alleged to have committed a delinquent act before their eighteenth birthday.

- United States Attorney: May review cases of juveniles who are aged 16 or older if they have been charged with murder, forcible rape, burglary I, robbery while armed, or assault with the intent to commit any such offense.
- Department of Human Services, Youth Services
 Administration: Provides pre-trial and postadjudication/disposition placements (secure and non-secure) and aftercare services.
- **Public Defender Service**¹²: Provides defense attorneys for some youth who are charged with delinquency.

The stages outlined below constitute the critical steps of the process and the role of each agency or entity in the juvenile justice system:

¹² Both the Public Defender Service and attorneys supported by the *Criminal Justice Act* represent juveniles. There are no credible data related to the distribution.

Initial Interactions with Youth. Upon making their determination about a specific delinquency offense, police arrest youth and bring them to a MPD's Youth Division on New York Avenue, which handles the juvenile for further "processing." Youth may also be brought in for status offenses, such truancy or underage drinking or curfew violations, and charged as Persons in Need of Supervision (PINS). Police have the authority to divert youth or release them into the custody of parents/guardians. If the decision is made not to release or parents do not pick the youth up, the youth is either taken to a Central Processing Unit at the Superior Court. Since there is no detention center in the District of Columbia, youth- whether status offenders or others charged with more serious delinquency offenses- are sometimes kept at Oak Hill Youth Center if pretrial detention is needed for youth.

Intake. The District of Columbia Superior Court's Social Services Division handles the initial assessment for youth who are brought into custody. Its job is to determine the risk to public safety, as well as any service needs. Its review offense history and family/home circumstances and make determinations related either to diversion, release, or detention in secure or non-secure placements. In consultation with the Office of the Corporation Counsel, it may also determine diversion placement, recommendations for pretrial status, and additional action related to charges. A probation intake worker prepares a formal report with recommendations to be presented at the Detention Hearing.

Disposition. This is the hearing at which recommendations from the Social Services Division, Corporation Counsel, and defense attorney are presented to guide the presiding judge in her/his decision related to status. If the judge finds that detention is justified, the

judge mandates a level of supervision (e.g., whether secure or non-secure) or establishes the Department of Human Services' authority to determine the placement. In the District of Columbia, youth are "found involved" when the burden of proof has been established through a review of the evidence.

Following the last hearing, a social summary report is prepared by the Social Services

Division to assist judges in making decisions for placement. Commonly, the District's

Youth Services Administration is not consulted at this stage of the process. In addition, it

often does not receive the social summary in a timely manner in order to establish service

provision or continuity in care for specific identified needs.

Post-Adjudication. After a determination is made that a youth is "found involved" or not, judges and Court personnel exercise several options. A youth may be released on community service or probation with varying degrees of supervision if not deemed a threat to public safety. Youth are entitled to a variety of services if placed on probation, including psychological counseling, family counseling, drug education, and other services. For youth who are found involved and committed to the Department of Human Services, there are a number of options based on level of supervision. These include home detention or supervision, shelter or group home placement, or placement at the Oak Hill Youth Center in Laurel, Maryland for the most serious offenders.

Perceptions of the Juvenile Justice System

Youth, Youth Providers, and Probation Officers

In order to gather more qualitative data about the operation of the juvenile justice system, the Commission invited a variety of agencies to present their recommendations to strengthen various components and the overall integration of the juvenile justice system. Chapter 3 will outline challenges associated with programming in the juvenile justice system, but the following themes emerged from a variety of agency perspectives:

- Provide more alternatives to arrest and detention
- Establish more uniform criteria for placement decisions
- Collaborate on case management to implement individual treatment plans
- Create a new state of the art detention center is needed to handle intake and assessment
- Establish firmer linkage among Courts, District agencies, and the DC Public
 Schools for risk assessment, service delivery, and evaluation of juvenile justice
 system
- Provide inpatient and outpatient substance abuse and mental health treatment options to address special needs among youth
- Close Oak Hill Youth Center and create a new design for treatment-based rehabilitation services for committed youth
- Continue expansion of community-based capacity for youth serving programs
- Amend burdensome policies and procedures in contracts and procurement and personnel that inhibit the ability to attract and retain high quality youth workers in several children and youth-serving agencies
- Create a single agency for juvenile justice in the District of Columbia to address
 discontinuity in care and treatment of youth and increase accountability

In addition to hearing from public agency representatives and program directors, the Commission engaged youth, providers, and probation officials in a conversation about the scope and quality of programming in the juvenile justice system.¹³ Commission

¹³ All of the youth who were asked to make comments without attribution or use of their names were between the ages of 13 and 17.

members, several of whom visited community-based facilities during the course of the year, also spent significant time at Oak Hill during fall 2000 and spring 2001 trips.

The following themes emerged as major areas of concern about the juvenile justice system in conversations with youth, probation officers, and providers:

- No promotion of behavior modification: Probation officers observed that behavior modification is difficult since youth do not respect the system. Because youth are familiar with the system and the process, they can easily anticipate the punishment. One representative youth remarked: "it's like they design the system to keep you in it."
- Complexity of the System: Some youth shared their desire for the current juvenile justice system to be more accessible and less "complex." Youth on probation shared that court appearances scheduled during school hours often result in penalties for "truancy." Similarly, other youth suggested that probation officers be available within the community because travel for urine testing sometimes "punishes" youth by forcing them to miss school.
- Need for Better Assessment at Intake: Service Providers argued that there are an increasing number of very young children in the juvenile justice system who are misdiagnosed. Truants, runaways, and youth suffering from emotional and psychological problems should not be detained at Oak Hill. There are also

problems, such as sexual abuse, for which there are no specific programs or specialized treatment options.

- No Promotion of Rehabilitation: Each of the focus groups noted the need for programming "promotes rehabilitation." The youth share their "need for people who will support [them]" so they are encouraged to "change [their] mindset." One teenage male expressed the view that there is "an excessive amount of punishment and not rehabilitation." Other also expressed that programs also need to be created that aid the youth "when [they] get out of the juvenile justice system."
- Quality and accessibility of lawyers: Several youth expressed that they often "could not find my lawyer." Still, others expressed that they had to miss school in order to meet with their lawyer and that this process interrupted their studies and general participation in other activities.
- oak Hill: Since many of the youth who shared perceptions of the juvenile justice system were being held at Oak Hill or were recently released from Oak Hill on probation, comments disproportionately reflected their experience at Oak Hill. Overwhelmingly, youth admitted their disrespect for the current juvenile justice system, particularly the physical conditions and programming at Oak Hill. Even as some youth shared their own sense of positive self-discovery at Oak Hill, they recounted a lack of programming. "What programs," several youth responded to Commission members and staff when asked at a focus group session about the impact of programming on their aspirations and experiences. Some shared an

ease in obtaining drugs at Oak Hill. Others joked: "Oak Hill is like a playground... all your friends are down there."

- No GED Program: Youth argued that the educational provision at Oak Hill is sub-par implying that stigmatization is associated with the Oak Hill diploma. Some youth would like an accredited GED Program to replace the existing education system at Oak Hill. They perceive that successful completion of the GED would enable them to obtain better jobs within the community without the stigma of going to the Oak Hill Academy.
- Lack of Job Placement Opportunities: While youth recognized the importance of jobs within the community, they found that job information is not easily accessible. During the focus group meeting, each of the subgroups involving youth recommended the need for more job fairs and recruiters.
- Lack of Substance Use Prevention and Treatment Programs: One detained youth articulated the need for prevention programs. He reasoned that in understanding how drug use leads to adverse biological effects, youth might be prevented "from wanting to use drugs." Other youth agreed that programs need to be developed "that don't just kill time, but really help." Program directors and probation staff also recommended more specialized training in drug counseling, prevention, and treatment education for youth and providers.

- Unmet needs and lack of training to deal with youth and youth issues within the community: One of the issues that arose from the focus groups was a clear statement about the lack of quality services for youth received from some community-based organizations. For example, a proportion of the detained youth recognized the need for faith-based programs and the importance of access to proper community services and outreach programs at the churches. Service providers recommended other services including sexual abuse counseling, family therapy and counseling, mental health services, special education, and kinship care.
- Lack of Mentorship: Youth shared their "need to talk to someone sometimes.

 They cited the importance of MPD and counseling at Oak Hill as examples of areas where there was great need to shift current paradigms. Specifically, they indicated counselors are needed at Oak Hill to discuss drug treatment options.

 Probation officers and service providers also admitted that staff members occasionally possessed limited specialized treatment skills. Youth also recommended that police officers receive training in anger management.

Members of the Faith Community: Feedback from a Roundtable

Members of the faith community were also asked to share their perceptions of the juvenile justice and where their insights might be useful in the delivery of services. A roundtable was convened on June 28, 2001 at St. Augustine Church. The main objective

was to discuss barriers to the provision of services by faith organizations, identify promising practices, and hear ideas about policies related to youth services delivery.

There are several barriers which members of the faith community identified as important in their experiences dealing with youth and youth services. Chiefly, members of the community face challenges from a poor volunteer base, poor interactions with school officials, insufficient staff to carry operations, and territoriality with other organizations (i.e. lack of collaboration). In general, roundtable participants felt that collaboration, education, and cultural and racial sensitivity were key practices in providing a continuum of care for youth in the juvenile justice system. While holistic and individualized approaches, including educating and informing youth about options in their future (e.g. college, jobs, and other post-school options), a local approach advocating citywide revivals, public forums/ hearings, and seminars for both youth and parents was highly valued as well.

There were many recommendations offered as part of suggestions for more comprehensive strategies to address youth and their risk for crime and violence. Other comments and themes advocated the following:

- More diversion programs
- More policies and programs that support the family (e.g., strategies to empower parents)
- Opportunities to reduce competition and hiding of information among different entities

- Less territoriality
- Development of more meaningful afterschool facilities that work in partnership with the faith community
- Sharing of information with schools
- Support of a hotline to share information with youth and families
- Courts in the community
- Pastoral/faith presence in juvenile psychiatric wards
- Aggressive recruitment of volunteers to work with youth
- A review of existing community-based programs and facilities to make recommendations for improvement since Oak Hill is too large and too institutional

Finally, faith community members advocated after-school partnerships with schools, more sustained outreach programs, youth treatment services provided in the community, and increased pastoral/faith presence in the juvenile wards. The faith community members who participated in the roundtable extended their willingness to work with youth wherever they may be located, whether they are in juvenile facilities or in communities. They expressed an interest in providing educational, vocational, and recreational services in collaboration with other community organizations and governmental agencies.

Even as youth crime and violence rates exhibit marked declines, the juvenile justice "system" in the District of Columbia is fragmented and without a coherent

structure or vision. The "processing" of youth involves a maze of relationships that cross federal and local jurisdictions. Court probation intake workers, public agency directors, community-based providers, and youth themselves all attest to the significant barriers that sometimes make it difficult to build effective relationships and networks of services, share information, and integrate new models of youth and community development into practice. In their conversations with the Commission, agencies and youth involved in juvenile justice have raised crucial themes about how the character of these relationships influences the scope of programming- the subject of the next Chapter.